IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5538 of 1990

with

SPECIAL CIVIL APPLICATION No 1338 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHATMA GANDHI CHARITABLE TRUST

Versus

SAURASHTRA UNIERSITY

Appearance:

1. Special Civil Application No. 5538 of 1990
MR DD VYAS for Petitioner
MR HAROOBHAI MEHTA with Ketan Dave,
for Respondent No. 1 Saurashtra University.

2. Special Civil ApplicationNo 1338 of 1991
MR DD VYAS for Petitioner
MR JR NANAVATI for Respondent No. 1 and 2
Respondent no.3 served.

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 23/06/2000

ORAL JUDGEMENT

#. In SCA No. 5538 of 1990 the petitioner is a Charitable Trust and is managed by its managing trustee. The petitioner has challenged the action of the University dated December 24, 1988 whereby the University provided for Centralised Admission Scheme for giving admission to B.Ed. colleges. The Vice-Chancellor of the University issued Circulars dated 13.3.1990 and 14.3.1990 whereby it was directed that from the academic year 1990-91 arrangement to grant 100 percent admission to any B.Ed.colleges affiliated to the University is made. It was provided in the circular dated 14.3.1990 that "15 percent seats are to be reserved for management of M.D.S.Mahila B.Ed.College, Junagadh" The SCA No.5538 of 1990 was filed in July 1990 and on 31.7.1990 this court passed an order to the following effect.

"Rule. Expedited.
Interim relief rejected as the petitioner is not able to point out any evidence to show that the petitioner-Trust is under an obligation to reserve 15% seats for the donors. The petitioner only relies upon the past practice which was continued for one year even after the Centralised Admission Scheme was introduced. Merely because for one year it was continued, it cannot be inferred that the petitioner is under such an obligation. It is also significant to note that the donors have not come forward making any grievance in this behalf.

Sd/-
(G.T.Nanavati.J)"

The SCA No. 1338 of 1991 was filed in August 1991 and this Court passed the following order on 24.9.1993:

" Rule. To be heard along with Special Civil Application No. 5538 of 1990 and 2910 of 1989. Notice as to interim relief returnable on 6.10.93. Mr. J.R.Nanavati learned counsel waives service of Notice for respondents nos 1 and 2.

Sd/-
(S.D.Dave.J)"

#. Today when the matter is called out for hearing Mr. J.R.Nanavati learned advocate for the Saurashtra University in SCA No. 1338 of 1991 has produced a copy of the judgment rendered by this Court (Coram N.N.Mathur.J) in SCA No. 2919 of 1989 dated February 16,1996. It is submitted by Mr. Nanavati that these two petitions were admitted and were ordered to be heard with this petition. These petitions would also meet the same fate as said SCA No.2919 of 1989 came to be dismissed by the judgment of this Court and Rule was discharged and Ad-interim relief was vacated.

#. Mr. D.D.Vyas learned advocate submitted that as submissions made in the other matter are discussed by the learned single Judge in detail, the submissions of Mr. Vyas in these petitions are also on the same lines. Therefore, I do not repeat the same in this judgment. In the circumstances, relying upon the judgment of this Court rendered in SCA No. 2919 of 1989, these petitions are dismissed. Rule discharged in both the petitions. No order as to costs in both the petitions.

(R.R.Tripathi.J)

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